THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16818 of 2005

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THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Karri Venkataramana S/o. Nelleru,
R/o. Pithapuram, East Godavari District.

..... PETITIONER

AND

1 The Commissioner Endowmernts, Endowments Department,
Rajahmundry, East Godavari Dist.
2 The Assistant Commissioner, Endowments Department,
Rajahmundry, East Godavari Dist
3 Raja Sekhara Swamy Temple, Vakathippa, Kothapalli, Mandal,
East Godavari District, Rep.by the Executive Officer/ Manager.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner claims to be a cultivating tenant of the lands of the 3rd respondent-Temple. The lands were notified for auction for grant of lease for a future period and the auction is scheduled in the first week of August, 2005. The petitioner states that he is a landless poor person, as such, entitles benefits under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act'). The petitioner is aggrieved that the 3rd respondent is proceeding with the auction of the temple lands.

Under the Andhra Pradesh Charitable and Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for short, 'the Rules') issued in G.O.Ms.No. 379 Revenue (Endowments-I) Department dated 11-03-2003, the claim of a person to being a landless poor person is required to be determined by the competent authority, which in the instant case is the Assistant Commissioner

concerned, that is, the 2nd respondent.

In the circumstances, the writ petition is disposed of preserving liberty in the petitioner to make a representation to the 2nd respondent, which authority shall dispose of the said representation, expeditiously determining whether the petitioner is, in fact, a lawful tenant of the respondent-Temple; and if so, whether he is a landless poor person and, therefore, entitled to the benefits under Section 82 of the Act. Any action taken, pursuant to the auction of the 3rd respondent-Temple lands for grant of a future lease, shall be subject to the determination to be made by the 2nd respondent on the petitioner's representation above.

The writ petition is, accordingly, disposed of. No costs.

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GODA RAGHURAM, J

Dt.04-08-2005

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